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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,051	11/06/2003	Jorge Melgosa	59643.00353	7417
32294	7590	11/16/2006	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			EKONG, EMEM	
14TH FLOOR			ART UNIT	
8000 TOWERS CRESCENT			PAPER NUMBER	
TYSONS CORNER, VA 22182			2617	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,051

Applicant(s)

MELGOSA, JORGE

Examiner

EMEM EKONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,13 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 4-11 is/are allowed.
- 6) ☒ Claim(s) 13 and 19-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

~~1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.~~

Response to Arguments

2. Applicant's arguments with respect to arguments filed on 06/02/2006 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

3. Claims 1, and 4-11 are allowed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication No. 2 350 017 A to Mattila et al.(Mattila) in view of .

Regarding claim 13, Mattila discloses a method for billing in a communications system (see abstract, and page 1 line 18-4 line 9), storing in a memory information identifying a charging node associated with a communication session as a default charging node for said session (page 4 line 24-page 5 line 12, when terminal 3 roams into the foreign network coverage area it registers with the foreign network using the information stored in its SIM card which identifies its **home network**); and sending charging information for said session from a first communications node to said default charging node if available (page 2 lines 20-24, page 3 lines 8-page 4 line 9, and page 5 lines 6-30, inherently, it will only send charging information when it is available).

However, Mattila fails to disclose a plurality of charging nodes and GGSN.

Bissantz et al. discloses a plurality of charging node and GGSN (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Mattila, and have a plurality of charging node for the purpose of handling charging data record communication nodes.

Regarding claim 19, Mattila discloses a gateway communication node for use in a communication system (see figure 1), said node comprising a memory for storing information identifying a default charging node associated with a communication session to which said node is to send said charging information for said session (page 4

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line 24-page 5 line12, when terminal 3 roams into the foreign network coverage area it registers with the foreign network using the information stored in it's SIM card which identifies its **home network**), and said node being arranged to send charging information for said session to said default charging node if said default charging node is available (page 5 lines 6-30).

However, Mattila fails to disclose GPRS.

Bissantz et al. discloses GPRS (col. 2 lines 33-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Mattila, and have a GPRS system as disclosed by Bissantz et al. for the purpose of charging communication nodes.

7. Claims 20-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattila in view of Bissantz et al., and further in view of U. S. Publication No. 2005/0047378 A1 to Wuschke et al..

Regarding claims 20-40, the combination of Mattila and Bissantz et al. discloses a node as claimed in claim 19, wherein said node is arranged to send said information identifying said charging node in said memory to a second node; however, the combination fails to disclose wherein said node is a GGSN; said node being arranged to generate charging information for a packet data connection (PDP), and to select said default charging node in dependence on the communication session (GPRS) with which said packet data connection (PDP) is associated; wherein said information identifying said default charging node is stored in said memory (CG1) in response to creating a first

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packet data connection (PDP) for said communication session; comprising means for sending generated charging information of said session to said default charging node (CG1); comprising sending means for sending generated charging information to a secondary charging node (CG2) if said default charging node (CG1) is not reachable. wherein said secondary charging node (CG2) is a currently active charging node for said node (GGSN); comprising means for selecting a charging node being currently determined as an active charging node for said node (GGSN) and storing in said memory said active charging node as said default charging node to be associated with said communication session; comprising means for instructing a second node (SGSN) said assigned default charging node (CG1) for said session; wherein said session (GPRS) comprises a plurality of packet data connections (PDP); wherein said charging information comprises a charging data record.

Wuschke et al. discloses wherein said node is a GGSN; said node being arranged to generate charging information for a packet data connection (PDP), and to select said default charging node in dependence on the communication session (GPRS) with which said packet data connection (PDP) is associated;

wherein said information identifying said default charging node is stored in said memory (CG1) in response to creating a first packet data connection (PDP) for said communication session;

comprising means for sending generated charging information of said session to said default charging node (CG1);

comprising sending means for sending generated charging information to a secondary charging node (CG2) if said default charging node (CG1) is not reachable. wherein said secondary charging node (CG2) is a currently active charging node for said node (GGSN);

comprising means for selecting a charging node being currently determined as an active charging node for said node (GGSN) and storing in said memory said active charging node as said default charging node to be associated with said communication session;

comprising means for instructing a second node (SGSN) said assigned default charging node (CG1) for said session;

wherein said session (GPRS) comprises a plurality of packet data connections (PDP);

wherein said charging information comprises a charging data record(see figure 1, and pars. 0004-0012).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have said node be a GGSN; said node being arranged to generate charging information for a packet data connection (PDP) for the purpose of charging communication nodes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to the communication system:

U.S. Pat. No. 6975852 B1 to Sofer et al.

CN Pat. No. 1395384 A to Zhou

US. Pub. No. 2003016335 A1 to Fransdonk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EOE

10/25/2006

A handwritten signature in black ink, consisting of a stylized 'L' followed by a horizontal line extending to the right.

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER